

ITEM NUMBER: 10a (iv)

To: KPPCSD Board of Directors
From: Ann R. Danforth, General Counsel
Date: November 15, 2018
Subject: Recommendation to Review and Approve Bid Documents for the Community Center Upgrade and Authorize Staff to Initiate the Public Bidding Process for that Project.

I. BACKGROUND

The District's Community Center project is nearing realization. The next step in the process is for the District to submit the project for public bidding. The bid documents, which include the construction contract, are voluminous and thus are posted on the District website.

A. Base Project Scope of Work.

The project's base scope of work is described in detail in the Drawings and Specifications but can be summarized as follows:

- a. Selective demolition of existing structure, including associated finishes at areas affected by the work
- b. Site development work, including grading and paving, landscaping and irrigation, and site lighting.
- c. Provision and installation of partitions and associated doors and finishes as shown on the Drawings.
- d. Painting of all new construction and existing construction within limits of work unless otherwise noted.
- e. New wall, floor, and ceiling finishes as shown on the Drawings and specified herein.
- f. Cabinets and counters as shown on the Drawings.
- g. New electrical power, lighting, mechanical and plumbing systems as shown on the drawings and required by remodeling work.
- h. Restroom fixtures and accessories as shown on the Drawings.
- i. Kitchen fixtures as shown on the Drawings.

These improvements include the items requested by the Kensington Community Council: a bifold door and operable glass wall system and heating system upgrade. The District offices have a copy of the plans for the base project, which are available for review to interested parties.

The Scope of Work does not include:

- a. Voice / data cabling and equipment are N.I.C.
- b. Furniture
- c. Hazardous Materials: A hazardous materials survey will be posted with the Invitation For Bids. The will contract separately for any required abatement work. Contractor shall refer to survey to understand location of and assess necessary handling and abatement of any hazardous materials that may be disturbed as part of demolition or new work. Contractor shall identify to the owner any required abatement work not previously completed.

The estimated cost of the basic scope of work inclusive of contingency of 15% is \$1,298,000.00. The public bidding process will determine the actual cost.

B. Bid Alternates.

The Bid Documents also list the following bid alternates, which the District may include as funds permit:

Bid Alt. 1: New flooring at Meeting Hall

Bid Alt. 2: New flooring at Meeting Room 3

Bid Alt. 3: New partial-height cabinet work at west wall of Meeting Hall

Bid Alt. 4: Integrate existing A.V. system into new cabinet work at west wall of Meeting Hall

Bid Alt. 5: New fireplace insert and mantel at Meeting Hall fireplace

Bid Alt. 6: New fireplace insert and mantel at fireplace integrated into new cabinet work at west wall of Meeting Hall

Bid Alt. 7: New screen partition at Meeting Hall

Bid Alt. 8: New acoustical ceiling tile at Meeting Hall

Bid Alt. 9: New exterior building sign

The Board should note that County Building Department is still reviewing the project drawings and plans and thus there may be minor changes to the project. Staff is working to simplify the contract documents, which may also result in non-substantive changes. Finally, Staff and the consultants are also working to finalize a few details regarding the bidding process, such as the date of the opening of the bids, that will require non-substantive changes.

II. ANALYSIS

Any construction contract is apt to be complex, to address the contingencies that can arise. This is particularly true of public works construction contracts; the California Public Contracts Code and Labor Code impose numerous requirements on the contract documents, which result in a lengthy document.

The public bidding process is also tightly controlled by State law. The bid documents are complex. However, the process is relatively simple. The District advertises the project to contractors by publishing a notice inviting bids. The notice describes the work and materials required, the place to submit bids and the last day and time that the agency will accept bids. The prospective contractors submit their bids in sealed envelopes, which are kept sealed until the time for submitted has expired. After opening the bids, the District reviews each packet for conformity with the instructions to bidders. If a bid does not conform to the instructions, the District rejects it as non-responsive.

Under the Contract Code, the District awards the contract to the lowest responsive bidder.¹ This determination is based solely on the bids for the project's base scope of work; the District may not consider the bid alternatives for purposes of determining the low bid. After making that determination, the Board can determine which bid alternatives, if any, it wishes to award to extent that the project budget allows. The District then sends a Notice of Award to the selected bidder, who has ten days to provide the District with the executed contract, insurance documents and surety bonds required by the bid package

III. CONCLUSION AND RECOMMENDATION

Staff recommends that

1. The Board approve the Bid Documents, granting the staff to make minor project changes as required to obtain a building permit and non-substantive changes to the contract documents; and
2. The Board authorize staff to publish the Notice Inviting Bids and proceed with the public bidding process.

Exhibits: Bid Package for the Community Center Upgrade (available on the District website).

¹ In rare cases, a public agency may reject a bidder as "not responsible," where there is clear evidence that the contractor is not reliable.